

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NOEL G. CATAHAN, individually and in  
behalf of all other individuals similarly  
situated,

Plaintiff,

-against-

ECO COMMUNITY CLEANERS INC.;  
JYA CLEANERS, INC.; MERCER  
CLEANER CORP.; and SUNG LEE;  
jointly and severally,

Defendants.

ANALISA TORRES, District Judge:

On August 13, 2020, the Court ordered the parties to submit a joint letter and proposed case management plan by September 14, 2020, in advance of the initial pretrial conference scheduled for September 21, 2020. ECF No. 35. The parties failed to comply with that order. On October 15, 2020, the Court issued another order, adjourning the initial pretrial conference and directing the parties to file their joint letter and proposed case management plan, or directing Plaintiff to move for default, by November 12, 2020. ECF No. 37. Those submissions are also overdue.

Plaintiff has failed to comply with multiple court orders and is reminded that under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed “[i]f the plaintiff fails to prosecute or to comply with [the federal rules] or a court order.” Fed. R. Civ. P. 41(b). “Rule 41(b) gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.” *Davis v. Town of Hempstead*, 597 F. App’x 31, 32 (2d Cir. 2015) (internal quotation marks omitted).

Accordingly, the initial pretrial conference scheduled for November 19, 2020, is ADJOURNED *sine die*. By November 30, 2020, Plaintiff shall move for a default judgment pursuant to Attachment A of this Court’s Individual Practices in Civil Cases or otherwise take steps to prosecute this action. Failure to do so shall result in dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. See *Baptiste v. Sommers*, 768 F.3d 212 (2d Cir. 2014).

SO ORDERED.

Dated: November 13, 2020  
New York, New York

USDC SDNY  
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20 Civ. 1749 (AT)

**ORDER**

  
ANALISA TORRES  
United States District Judge